

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 41 Pregnancy Support and Wellness Services

**SPONSOR(S):** Toledo

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health & Human Services Committee		Siples	Calamas

### SUMMARY ANALYSIS

The Florida Pregnancy Support Services Program (FPSSP) was established in 2005, to provide supportive counseling and services to pregnant women and their families that promote and encourage childbirth. Under contract with the Department of Health (DOH), Florida Pregnancy Care Network, Inc., manages a network of pregnancy help centers that offer services such as pregnancy testing, counseling, education and training, and referrals to state, community, and medical resources.

The program was created by proviso in 2005, and has received annual appropriations since 2006. The bill codifies the program and defines program requirements.

HB 41 requires DOH to contract with the Florida Pregnancy Care Network, Inc., (FPCN), to provide contract management services for the delivery of pregnancy support services to pregnant women and their families and wellness services to women, regardless of pregnancy. The contract must:

- Require FPCN to establish and manage subcontracts with a sufficient number of providers to ensure the availability of pregnancy support and wellness services for eligible clients;
- Limit the amount of funds that may be used for administration costs;
- Require all paid staff or volunteers of a provider to undergo a background screening if they provide direct services to minors, elderly individuals, or individuals who have a disability;
- Require FPCN to monitor its subcontractors annually, and establish sanctions for noncompliance;
- Require FPCN to only subcontract with providers that solely promote and support childbirth;
- Require informational materials provided to eligible clients be current and accurate, and the reference source of any medical statements made in such materials be made available to eligible clients; and
- Define the contract deliverables, including financial reports and other reports due to DOH.

The bill requires that any services provided under FPSSP be provided in a non-coercive manner, and does not include any religious content.

The bill codifies an existing program funded by \$4 million in recurring general revenue funds. The bill has no fiscal impact on local governments.

The bill provides an effective date of July 1, 2018.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### **Florida Pregnancy Support Services Program**

The Florida Pregnancy Support Services Program (FPSSP) was created in 2005, to encourage women to carry their pregnancies to term, and increase awareness of non-abortion counseling options, such as parenting or adoption.<sup>1</sup> The program, through a network of private pregnancy support centers, provides services to pregnant women (or women who suspect they are pregnant) and their families at no charge, which may continue for 12 months after the birth of the child. Interested women may be connected to a local participating center by accessing a free helpline via telephone, text, or email. The services provided include:

- Free pregnancy testing;
- Abortion education;
- Alternatives to abortion;
- Education and training;
- Counseling; and
- Referrals to state, community, and medical resources.<sup>2</sup>

Currently, the Department of Health (DOH) contracts with the Florida Pregnancy Care Network, Inc. (FPCN), to manage subcontracts with the direct service providers throughout the state that provide the services listed above, as well as an operational call center.<sup>3</sup> The network consists of 61 Florida pregnancy resource organizations representing 105 pregnancy centers.<sup>4</sup>

Under the contract with DOH, a participating provider must:

- Be an established pregnancy organization with a fully functioning pregnancy support program in existence for at least one year;
- Be recognized as tax-exempt under IRS Code 501(c)(3);
- Have a primary mission to promote life-affirming decisions among its clients;
- Provide FPSSP services in a manner that is non-coercive and does not include religious content;
- Offer pregnancy tests and counseling for women who are pregnant or suspect they are pregnant, and seek FPSSP services voluntarily;
- Have a board that hires and oversees a director who implements board policy and manages the organization's operations;
- Maintain a system of financial accountability consistent with generally accepted accounting principles;
- Have board members, directors, employees, and volunteers participate in continuing education, as necessary, in order to effectively perform their duties;
- Not discriminate on the basis of race, creed, color, national origin, age, or marital status;
- Provide services that are confidential, nonjudgmental, and free of charge;

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<sup>1</sup> Florida Pregnancy Care Network, Inc., *Florida Pregnancy Support Services Program (FPSSP), 2016-2017 Compliance Manual*, on file with the Health Quality Subcommittee.

<sup>2</sup> Florida Pregnancy Support Services, *About Us*, available at <http://www.floridapregnancysupportservices.com/about-us/> (last visited November, 2017).

<sup>3</sup> *Supra* note 1.

<sup>4</sup> E-mail correspondence with FPCN staff dated October 24, 2017, (on file with the Health and Human Services Committee).

- Make available support information, education, and counseling to women, their partners, and their families to solely promote and support childbirth and to assist them in decisions regarding adoption or parenting; and
- Must complete FPSSP training.<sup>5</sup>

Under the contract, providers may only be reimbursed for the face-to-face services that they provide to eligible clients. Providers are paid \$60 per hour for face-to-face services and are reimbursed \$1.50 for each pregnancy test provided to a FPSSP client.<sup>6</sup> Payment is provided monthly through the submission of a properly completed invoice and monthly report.<sup>7</sup> Providers are also responsible for submitting quarterly (including financial reports) and final reports addressing operations for FPSSP during the contract period.

The contract is subject to annual monitoring by DOH to ensure compliance with the contract's provisions. DOH last monitored the program for administrative and programmatic compliance in April 2017, and found the program to be compliant with the terms and conditions of its contract.<sup>8</sup> The Department of Financial Services last reviewed the contract in 2014 for statutory compliance and found no deficiencies with the contract and that DOH's contract management activities were sufficient.<sup>9</sup>

The FPSSP operates a 24-hour toll free number that offers referrals to local pregnancy centers, as well as a text hotline, to which an individual may text the word "choices," for assistance. Assistance is also available by e-mail.<sup>10</sup> In Fiscal Year 2016-2017, the FPSSP served 45,722 clients, provided 143,206 services, and handled 6,064 phone calls to its helpline.<sup>11</sup>

When FPSSP was established, DOH received an initial annual appropriation of \$2 million in proviso in the General Appropriations Act to establish and operate the FPSSP.<sup>12</sup> DOH has annually received funding for the operation of the FPSSP in the proviso of the annual appropriations bill. In Fiscal Years 2016-2017 and 2017-2018, the FPSSP received an appropriation of \$4 million and was authorized, in proviso, to provide wellness services, including but not limited to, high blood pressure screening, flu vaccines, anemia testing, thyroid screening, cholesterol screening, diabetes screening, assistance with smoking cessation, and tetanus vaccines.<sup>13</sup> Such wellness services may be offered through vouchers or other arrangements that allow the purchase of services from qualified providers.

The FPSSP initiated a pilot project offering wellness services in February 2017, and has since provided wellness services to 2,553 clients, including the performance of on-site testing for sexually transmitted infections (STIs) for 1,959 clients.<sup>14</sup> The program began with 12 providers offering wellness services,

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> The monthly invoice must include the total reimbursable minutes and the amount requested. In the monthly report, the provider must include the total number of client visits, the number of unduplicated clients served, the number of new clients, the total number of services provided, and how the clients learned of the services.

<sup>8</sup> E-mail correspondence with the Department of Health, dated October 24, 2017.

<sup>9</sup> Department of Financial Services, Bureau of Auditing, "Contract Review Detail by Agency," (July 8, 2015), available at <http://www.myfloridacfo.com/aadir/docs/TransparencyReport-7-1-14thru6-30-15.pdf> (last visited March 30, 2017). The contract review looks at whether there are clearly established tasks to be performed, whether the tasks to be performed are quantifiable, measurable, and verifiable units of deliverables that must be received and accepted before payment is made, if the contract contains financial consequences if the provider fails to perform in accordance with the contract, whether the contract contains or references statutory provisions related to contracting, and if the agency's contract management activities are sufficient.

<sup>10</sup> *Supra* note 2.

<sup>11</sup> E-mail correspondence with FPCN staff dated October 16, 2017 (on file with the Health and Human Services Committee).

<sup>12</sup> Chapter 2006-25, Laws of Fla., I. 536. These funds are separate from the funds that are generated in the sale of the "Choose Life" license plate. Pursuant to s. 320.08058(29), F.S., funds generated by the license plates are distributed to nongovernmental, not-for-profit agencies within each Florida county which assist pregnant women who are making an adoption plan for their children. The funds are distributed in an amount based on the collection of annual use fees in each county. Agencies that are involved in or associated with abortion activities are specifically prohibited from receiving any fees generated by use of the license plate.

<sup>13</sup> See Chapters 2016-66, I. 464, and 2017-70, I. 445, Laws of Fla., respectively.

<sup>14</sup> *Supra* note 11.

but have since added an additional 6 providers, for a total of 18 providers offering wellness services.<sup>15</sup> An additional 12 providers are on a waiting list to offer wellness services to their clients.

<b>Providers Offering Wellness Services Including STI Testing</b>	
A Woman's Choice, Inc.*	Lakeland
A Woman's Place*	Largo
Hope Pregnancy Centers, Inc.*	North Lauderdale
Options for Women Pregnancy Help Clinic, Inc.*	Lakeland
Verity Pregnancy and Medical Resource Center	Fort Myers
<b>Providers Offering Wellness Services Excluding STI Testing</b>	
A New Generation of Hernando, Inc.	Springhill
A Woman's Answer Medical Center	Gainesville
Catholic Charities, Inc.*	St. Petersburg
Crisis Pregnancy Center of Gainesville, Inc. d/b/a Sira	Gainesville
Guiding Star Tampa	Lutz
Heartbeat of Miami, Inc.*	Miami
Mary's Pregnancy Resource Center, Inc.*	Fort Lauderdale
Southlake Pregnancy and Family Care Center	Clermont
St. Petersburg Pregnancy Center, Inc.	St. Petersburg
West Pasco Pregnancy Center	New Port Richey
Woman's Care Center of IRC, Inc.	Vero Beach
<b>Providers Offering STI Testing Only</b>	
Sarasota Medical Pregnancy Center, Inc.	Sarasota
Pregnancy Resources	Melbourne

\* Provider may offer services at multiple locations.

### **Effect of Proposed Changes**

The bill creates s. 381.96, F.S., to codify the FPSSP in Florida Statutes. The bill establishes eligibility for the program for pregnant women (or women who suspect they are pregnant) who voluntarily seek pregnancy support services and women who voluntarily seek wellness services. The family of a pregnant woman or a woman who suspects she is pregnant is also eligible to receive services. Eligibility for pregnancy support services continues for up to 12 months after the birth of the child.

The bill codifies the services to be provided under the program including pregnancy support services and wellness services. Pregnancy support services, as defined in the bill, are services that promote and encourage childbirth, including direct client services, program awareness activities, and communication activities. Wellness services, as defined by the bill, are services or activities intended to maintain and improve health or prevent illness and injury, including but not limited to flu and tetanus vaccines, anemia testing, assistance with smoking cessation, and screenings for high blood pressure, thyroid functioning, cholesterol, and diabetes.

The bill requires DOH to contract with the Florida FPCN, to provide contract management services for the FPSSP. It requires the FPCN to provide a comprehensive system of care through subcontracts to meet the pregnancy support and wellness needs of eligible clients. The contract with FPCN must:

- Require that FPCN establish and manage subcontracts with a sufficient number of providers to ensure the availability pregnancy support and wellness services for eligible clients;
- Require that 90 percent of contract funds be used on pregnancy support and wellness services for eligible clients;

<sup>15</sup> E-mail correspondence with FPCN staff dated August 17, 2017 (on file with the Health and Human Services Committee).

- Require that FPCN ensures that all paid staff and volunteers of the providers undergo background screenings if they provide direct client services to eligible clients who are minors, elderly, or have a disability;
- Require FPCN to annually monitor the providers for compliance with subcontract provisions and define the actions to be taken for noncompliance;
- Limit the providers with which FPCN may contract to those that solely promote and support childbirth;
- Provide that any informational materials provided to an eligible client by a provider must be current and accurate, with the reference source of any medical statement made available; and
- Define the contract deliverables, including financial reports and other reports due to DOH, timeframes for achieving contractual obligations, and any other requirements that DOH determines necessary, such as staffing and location requirements.

The bill expressly provides that the services provided under the FPSSP be provided in a non-coercive manner and does not include any religious content.

The bill takes effect on July 1, 2018.

#### B. SECTION DIRECTORY:

**Section 1:** Creates s. 381.96, F.S.; relating to pregnancy support and wellness services.

**Section 2:** Provides an effective date of July 1, 2018.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

##### 2. Expenditures:

The bill has no fiscal impact. The bill codifies an existing program funded by \$4 million in recurring general revenue funds in the General Appropriations Act each year.

DOH currently incurs costs related to the oversight of the contractor, which will continue under the bill. Proviso language has limited DOH to \$50,000 for agency oversight activities.

The bill provides that volunteers that provide direct client services to eligible clients who are minors, elderly, or have a disability undergo a background screening. However, this is an existing contractual requirement and should not increase the background screening workload for the Florida Department of Law Enforcement.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Eligible clients continue to receive pregnancy support and wellness services free of charge.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**